

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

PAUL ROGERS,

Plaintiff,

v.

DOUG WADDINGTON, *et al.*,

Defendants.

Case No. 05-5231FDB

ORDER DENYING REQUEST FOR  
COUNSEL

This Civil Rights action has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A), 636(b)(1)(B), and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. The plaintiff has been granted leave to proceed *in forma pauperis*. (Dkt. # 3). Before the court is Plaintiff's motion for appointment of counsel. (Dkt. # 20). The court finds that the motion should be **DENIED**.

There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the court, under 28 U.S.C. § 1915(d), can request counsel to represent a party proceeding *in forma pauperis*, the court may do so only in exceptional circumstances. Wilborn v. Escalderon, 789 F.2d 1328, 1331 (9th Cir. 1986); Franklin v. Murphy, 745 F.2d 1221, 1236 (9th Cir. 1984); Aldabe v. Aldabe, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires

1 an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to  
2 articulate his claims *pro se* in light of the complexity of the legal issues involved. Wilborn, 789 F.2d  
3 at 1331.

4 Plaintiff has demonstrated an adequate ability to articulate his claims *pro se*. Moreover,  
5 Plaintiff has not demonstrated a likelihood of success on the merits of his claims or exceptional  
6 circumstances warranting appointment of counsel. Accordingly, plaintiff's motion to appoint counsel  
7 (Dkt. # 20) is **DENIED**.

8  
9 DATED this 9th day of May, 2006.

10  
11   
12 Karen L. Strombom  
13 United States Magistrate Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25